APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,791	06/21/2001	David Gray Boyer	Boyer 4-2-2-1-2-6-11-11	6160

			EXAMINER
46304	7590	09/07/2006	MEKY, MOUSTAFA M

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ART UNIT	PAPER NUMBER
2157	

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/886,791	BOYER ET AL.
	Examiner	Art Unit	
	Moustafa M. Meky	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 June 2006*.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-10,12, 14-19 and 21-28* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-10,12,14-19 and 21-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

1.   The amendment filed 6/13/2006 has been entered and considered by the examiner.

2.   Claims 1, 3-10, 12, 14-19, 21-28 are presenting for examination.

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 1, 3-10, 12, 14-19, 21-28 are rejected under 35 U.S.C. 102(e) as being anticipated

by Tang (US Pat. No. 6,731,308).

5.   As to claim 1, Tang shows in Fig 1, a method for use in a collaborative system (see col 7,

lines 15-20) comprising the steps of:

- setting a plurality of participants in a group to collaboratively communicate, see col 7,

  lines 55-62;

- determine presence information of each participant in the group in accordance with a

  use of device associated with each participant and monitored by the system, see col 8,

  lines 17-23;

- dynamically displaying a visual representation having a plurality of display windows

  including the participants, the collected presence information, and a communication

  mechanism to initiate mode of communicating with one or more other participants,

  see col 9, lines 10-22; and

- employing the displayed presence information and at least one mechanism to initiate

  the communication, see col 9, lines 53-67, col 10, lines 1-3;

wherein at least one mechanism includes setting up one or more third party calls to

initiate communication with other participants, see col 9, lines 59 –60.

6.   As to claim 3, the mode of communicating includes at least either an asynchronous mode

or a synchronous mode, see col 9, lines 64-65.

7.   As to claim 4, the step of dynamically displaying includes a step of automatically

updating one or more of the display windows, see col 10, lines 1-2.

8.   As to claim 5, the step of automatically collecting presence information includes a step of

automatically updating the presence information, see col 8, lines 22-26.

9.   As to claim 6, the presence information for a participant represents prescribed activities

of the participant regarding one or more of predetermined instrumentalities and/or actions, see

col 8, lines 22-26.

10.   As to claim 7, the mechanisms includes at least email, chat, and voice call, see col 9, lines

56-67.

11.   As to claim 8, maintaining the collected and updated presence information and notifying

the participants of changes of status in the presence information for participants in the group, see

col 8, lines 22-26.

12.   As to claim 9, the step of dynamically displaying includes display windows for

displaying at least documents relating to collaborative purpose, see col 9, lines 62-63.

13.   As to claim 10, the mechanism includes persistent chat and the step of employing the

displayed presence information and at least one mechanism includes initiating a persistent chat

session, see col 9, lines 62-63.

14.   As to claims 12, 14-19, 21-28, the claims are similar in scope to claims 1, 3-10, and they

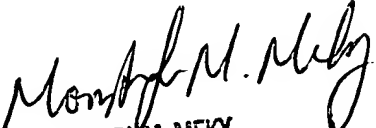are rejected under the same rationale.

Therefore, it can be seen from paragraphs 5-14 that Tang anticipates claims 1, 3-10, 12, 14-19,

21-28.

15.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Moustafa M. Meky whose telephone number is 571-272-4005.

The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MMM
9/4/1006

MOUSTAFA M. MEKY
PRIMARY EXAMINER